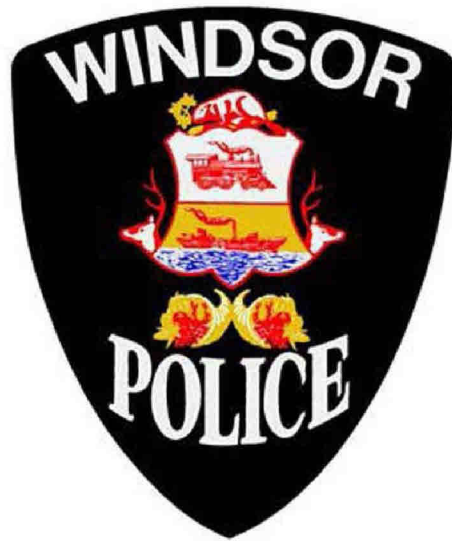


Windsor Police Service

2022 Freedom Convoy / Protest Arrest Plan



Rationale:

The 2022 Freedom Convoy / Arrest Plan outlines several procedures with respect to the arrest, charging, and releasing of those parties arrested during the 2022 Freedom Convoy Protests, in the City of Windsor, in February 2022.

As a result of the involvement of several Policing Partner Agencies, including the Ontario Provincial Police, London Police Service, and the Royal Canadian Mounted Police, the Plan is designed to streamline such processes.

DETENTION UNIT – 150 Goyeau St WPS Headquarters (S/Sgt Joe Faddoul – responsible for scheduling)

The following is required deployment model for the **Detention Unit**:

- 2 Day shift Detention Unit Sergeants – start at 0600 hrs
- 2 Night Shift Detention Unit Sergeants – start at 1800 hrs
- 2 Special Constables - start at 0600 hrs
- 2 Special Constables - start at 1800 hrs

PRISONER WAGONS (S/Sgt Joe Faddoul – responsible for scheduling)

The following is required deployment model for the **Detention Unit Transportation Vehicles**:

- 1 WPS Patrol Prisoner wagon (DAYS / NIGHTS) with drivers
- 1 WPS Court wagon (DAYS / NIGHTS) with drivers
- 3 OPP Prison Transport Units (10 person) with drivers

Windsor Police Service **Prisoner Transport / Registry Forms** have been emailed to the OPP Public Order Unit **Inspector Jason YOUNAN** for the use by their drivers, and their awareness of the required contents and information. Both Windsor Police Service **Detention Unit Transportation Vehicles** will be assigned to Public order units as required.

Prisoner Transport Drivers shall ensure that Windsor Police Service **Prisoner Transport / Registry Forms** and the **Ontario Provincial Police MAJOR EVENT Forms** are properly completed, prior to transporting a party to the Detention Unit. (A copy of the **Ontario Provincial Police MAJOR EVENT Form** is to be provided to the Prisoner Transport Driver by the Arresting Officer.)

Prisoner Transport Drivers are also required to record the following information (on **Prisoner Transport / Registry Form** or Notebook):

- Arresting Officer's Full Name
- Arresting Officer's Cell phone number
- Arresting Officer's Email address

Major Crime Branch (MCB) – 150 Goyeau St, 3rd Floor (0600hrs-2100hrs – staffed by Team on DAYS OFF)

The following is the MCB deployment to process Protest Related charges / files:

- MCB Staff Sergeant
- 2 MCB Sergeants
- Minimum of 4 MCB Constables

OPP will have Detectives on standby located at the OPP Manning Detachment. If and when WPS MCB Officers surpass **25 arrest files**, the MCB Staff Sergeant will contact Detective Staff Sergeant Kellie McKIBBIN (**REDACTED**) to request the assistance of OPP Detectives to attend WPS MCB Office.

Arrest Process/Data entry/Charge processing/CPIC

In the event that a Public Order Unit member effects an arrest, the arrested party will be passed to awaiting OPP officers, who will be stationed with the POU. The OPP Officer will be responsible for turning the arrested party over the Prisoner Transport Officer. **Please see POU Operation Plan.**

In an effort to ease the process of report writing/processing files, the following is a suggested operational plan for the Investigative Units responsible for file management.

The Occurrence Number for the "Freedom Convoy" is WPS #22-10454. In an effort to eliminate multiple officers contacting the Emergency 911 Centre, at the same time, to obtain a new case number for each arrest, **ALL** persons arrested in relation to the "Freedom Convoy" will be processed, and lodged under the **SAME** case number.

The MCB Staff Sergeant will be responsible for maintaining communication with the Detention Unit Sergeant in regards to those arrested in relation to the Convoy protest, including obtaining completed Prisoner Transport / Registry and the **Ontario Provincial Police MAJOR EVENT Forms** to obtain relevant information to process the charge file(s).

The MCB Staff Sergeant, in conjunction with the MCB Sergeant will review the documentation for completeness, and assign the charge file to an MCB Officer to be processed. *(The WPS protocol with respect to the report/charge approval shall be adhered to.)*

An **Initial Officer's Report template** (**WORD** document) has been created and is applicable to **ALL** parties arrested in relation to the Convoy protest, and is located at O:\Inv\MCM General\2022 CONVOY PROTEST.

The assigned MCB Officer copies/pastes the WORD template into the "Initial Officers Report" RMS Text page for each individual charge file. This eliminates the requirement to await the Arresting Officer's Report and/or "Will Say".

There is a section at the **bottom** of the **Initial Officer's Report template**, specifying the Date, Time, Offender, and Arresting Officer's name, which is required to be changed for **EACH** arrest. The template also directs the reader to refer to the "Will Say" of the Arresting Officer for further information.

ALL required information for the Arresting Officer (Full Name / Police Service / Work Address / Contact Telephone Number(s), etc) must be entered in the **ENTITY** – specifically "**OT POLICE**".

MCB will add the Arresting Officer to the **witness list**.

MCU will maintain an EXCEL spreadsheet, located at O:\Inv\MCM General\2022 CONVOY PROTEST of all arrested parties including the Name of the Accused, Individual Occurrence Number, Arrest information (date/time/charge/officer/police service), the name of the assigned Lead Investigator, and Release Type.

Updated copies of the spreadsheet shall be forwarded, via email, to Insp Jennifer Crosby (jcrosby@windsorpolice.ca), Insp Andrew Randall (arandall@windsorpolice.ca), and S/Sgt Paolo DiCarlo (pdicarlo@windsorpolice.ca) for the awareness of the On Duty Critical Incident Commander, at the Emergency Command Centre.

Outside Police Agency members are required to attend the Windsor Police Service Training Branch, at the earliest opportunity, to complete their "Will Say" and any other relevant reports.

ALL Arresting Officer "Will Says" are to be forwarded to the Windsor Police Service Data Entry Unit, via email, at **REDACTED** Data Entry members shall attach the relevant documents to the Case Specific occurrence, under ATTACHMENTS.

Insp Ed Armstrong (Training Branch) shall be responsible for the collection of **ALL Officer Notes** which will be attached to the Case Specific occurrence, under ATTACHMENTS, by an assigned Training Branch member. The Training Branch member shall ensure that Officer Notes are attached to all arrests.

Some **Charge Summary templates** for applicable charges, including Mischief/Obstruct Property, have been created, and are located at Q:\Inv\MCM General\2022 CONVOY PROTEST. Similarly to the Arresting Officer's "Will Say", the assigned MCB Officer can copy/paste the WORD template into the "Charge Summary" RMS Text page for each individual charge file. (*see Appendix A*)

The Windsor Police Service will be responsible for the laying of all charges pertaining to the Track Convoy Protest, pending any unforeseen circumstances.

In the event that another Police Service lays relevant charges, it will be there responsibility to also fingerprint / photograph the Accused, pursuant to the Identification of Criminals Act.

Applicable charges

Information Template – WORDING:

CC 127 (1) DISOBEY LAWFUL ORDER OF COURT, ETC.

did, without lawful excuse, disobey a lawful order made by [PROVIDE FULL TITLE OF COURT OR PERSON OR BODY OF PERSONS AUTHORIZED TO MAKE THE ORDER] on [PROVIDE DATE OF ORDER] by failing to [PROVIDE CONDITION BREACHED VERBATIM FROM ORDER], for which no punishment or other mode of proceeding is expressly provided by law, contrary to Section 127, subsection (1) of the Criminal Code (CC).

(On Friday February 11, 2022, His Honour Geoffrey B. Morawetz issued an injunction, effective 7:00 pm, restraining parties from impeding or blocking access to the Ambassador Bridge and indirect or direct approaching roadways and access points for a period of ten (10) days.) (see Appendix B)

CC 423 (1) (g) INTIMIDATION BY BLOCKING OR OBSTRUCTING HIGHWAY

did, wrongfully and without lawful authority, for the purpose of compelling [NAME INDIVIDUAL] to [(abstain from doing something that person had a lawful right to do)(do something that person had a lawful right to abstain from doing)], namely [SPECIFY ACT ABSTAINED FROM OR DONE E.G. TO SOCIALIZE WITH JOHN DOE, TO ATTEND THE PREMISES OF JOHN DOE, ETC.], [(block)(obstruct)] a highway, namely [SPECIFY HIGHWAY], contrary to Section 423, subsection (1), clause (g) of the Criminal Code (CC).

CC 430 (1) (c) MISCHIEF/OBSTRUCT PROPERTY EXCEEDING \$5000

did wilfully [(obstruct)(interrupt)(interfere)] with the lawful [(use)(enjoyment)(operation)] of property, namely [GENERALLY SPECIFY PROPERTY E.G. REAL PROPERTY SITUATED AT 123 ELM STREET, A BUS TRANSPORTING WORKERS FOR CANADA POST CORPORATION, ETC.], the value of which exceeded five thousand dollars, and thereby commit mischief, contrary to Section 430, subsection (1), clause (c) of the Criminal Code (CC).

CC 430 (1) (c) MISCHIEF/OBSTRUCT PROPERTY NOT EXCEEDING \$5000

did wilfully [(obstruct)(interrupt)(interfere)] with the lawful [(use)(enjoyment)(operation)] of property, namely [GENERALLY SPECIFY PROPERTY E.G. A BICYCLE, A TELEVISION, ETC.], the value of which did not exceed five thousand dollars, and thereby commit mischief, contrary to Section 430, subsection (1), clause (c) of the Criminal Code (CC).

APPENDIX A

CHARGE SUMMARY TEMPLATE

CHARGE SUMMARY TEMPLATE

MISCHIEF EXCEEDING \$5000

PREAMBLE:

The “Freedom Convoy” is a movement put forth by a group of individuals, primarily truck drivers and their supporters, who began this effort in response to the federal government’s move to require Canadian truck drivers crossing the U.S. border to be fully vaccinated in response to the Covid-19 pandemic. Moreover, those who are unvaccinated would lose employment as a result of this government mandate. Organizers within the “Freedom Convoy” have indicated that they will not end their protest until these measures are dropped.

In the early morning hours of Monday February 7, 2022, the “Freedom Convoy” arrived at the Ambassador Bridge, an International Border that connects Canada to the United States of America through Detroit. Since that time, it has been comprised of approximately 350 people and 200 vehicles.

Protesters within this movement erected a blockage on the highways that allow access into Canada by way of Ambassador Bridge. Several highways were affected, specifically Huron Church Road, in Windsor, Ontario, which has restricted all southbound traffic from the Ambassador Bridge, preventing any traffic from accessing Highway 401; North America’s busiest highway. The protest accomplished this by stalling numerous vehicles on the highway and setting up encampments, refusing to leave until the Covid-19 mandates are eliminated. By doing so, they have immobilized traffic and disrupted the economic structure of society for both Canada and the United States of America.

In addition to the economic strain, several businesses in the area of the protest have been forced to shut down due to road blockages, erratic behavior, and failure for customers involved in the protest to abide by the Covid-19 mandates while inside various businesses.

In response to this strain, Windsor Police officers were joined by members of various Provincial and Federal police services in an effort to keep the peace and enforce legislation.

Moreover, as a result of the above information, officers formed reasonable grounds to arrest any member of the protest refusing to vacate the premise for Mischief by obstructing, interrupting and/or interfering with the lawful use, enjoyment and/or operation of property.

ACTION:

On Saturday February 12, 2022, at --:--AM, police officers from ***insert respective Police Service*** attended the intersection of ***road name*** at ***road name***, in the City of Windsor, in an effort to vacate the protesters.

At --:--AM, officers approached a **(male/female)**, identified by way of **(drivers licence/file photo/health card/passport)** as ***insert name*** and demanded he/she vacate the premise as they were in contravention of section 430(1)(c) of the Criminal Code of Canada.

Insert name refused to comply with the officer's demand. As such, at --:--AM, ***insert name*** was arrested for Mischief Exceeding \$5000 and read **(his/her)** Charter Rights.

OTHER OPTIONS:

At the time of the arrest, ***insert name*** began to ***INSERT PREAMBLE***.

*(Ex: At the time of the arrest, ***insert name*** became aggressive and pulled (his/her) arm away in an effort to resist arrest. A struggle ensued and ***insert name*** attempted to punch officers by swinging (his/her) right fist, connecting with the right cheek of the arresting officer".)*

As a result of the above described actions, ***insert name*** was advised **(he/she)** was also being charged with **Assault Peace Officer**, contrary to **section 270(1)** of the Criminal Code of Canada.

TRANSPORT/RELEASE:

PICK APPLICABLE OPTION

(1) *Insert name* was transported to the Windsor Police Detention Unit where **(he/she)** was viewed by a Sergeant and lodged into cells.

(2) *Insert name* was released on scene by way of **FORM 10 – UNDERTAKING** with conditions, including not to attend the area of **Huron Church Road bound by Wyandotte Street West to the North, Tecumseh Road West to the South, California Avenue to the East, and Felix Avenue to the West.**

(1) *Insert name* has no pending charges and no criminal convictions.

(2) *Insert name* is currently accused of ***insert charges*** and has previous criminal convictions for ***insert convictions***.

*(Ex: “***INSERT NAME*** is currently accused to Assault and has numerous criminal convictions for Failing to Comply. As a result of (his/her) documented inability to comply with court order conditions, it is requested (he/she) be held for Showcause”.)*

Release Conditions – Adult Undertaking - Form 10:

Given the wording of the charges below and the need to impose conditions that respect s. 501 (3) of the *Criminal Code*, the intention of Bill C-75 and *R. v. Antic* to ensure the fewest conditions necessary, and that only conditions that are reasonable and necessary be imposed, only the following standard conditions have been recommended:

c) you must notify _____ in writing of any change of your address within 24 hours;

f) You must not attend the area in the city of Windsor bounded by the following: ***Huron Church Road bound by Wyandotte Street West to the North, Tecumseh Road West to the South, California Avenue to the East, and Felix Avenue to the West***

l) ***You must not attend within 100 m of any entrance or exit to the Ambassador Bridge, Detroit-Windsor Tunnel, or Detroit-Windsor Truck Ferry in the City of Windsor.***

[This corresponds to the area in which the blockade is taking place— as set out in the mischief charge under s. 430 1 (c) or (d) charge, and thereby respects the requirement set out in s. 501 (3) k) that **any other specified condition be to ensure the safety and security of any victim or witness to the offence**].

Should it be applicable, police could also impose condition:

i) abstain from possessing a firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance and surrender those that are in their possession to the peace officer or other specified person and also any authorization, licence or registration certificate or other document enabling them to acquire or possess them;

and any other specified condition that is necessary to ensure the safety and security of any victim of or witness to the offence.

If persons are charged and brought to show cause upon arrest, **or** they refuse to consent to the above conditions, the Crown would have more latitude in imposing release conditions so long as the conditions are reasonable and the justice considers it desirable as per s. 515 (4) of the Code.

APPENDIX B

Court File No.: CV-22-00030791-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

CHIEF JUSTICE GEOFFREY B. MORAWETZ)
)
) FRIDAY, THE 11TH DAY
) OF FEBRUARY, 2022

B E T W E E N:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/
Moving Party

- and -

JIM BOAK, JOANNE CALLAWAY, HILDA FISHER,
LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL
DARLENE THOMPSON and JOHN DOE

Defendants/
Responding Parties

- and -

THE CORPORATION OF THE CITY OF WINDSOR,
ATTORNEY GENERAL FOR ONTARIO

Interveners

ORDER

THIS MOTION, made by the Plaintiff for an interim interlocutory injunction pursuant to section 101 of the *Courts of Justice Act*, Rule 40.01 of the *Rules of Civil Procedure*, and section 440 of the *Municipal Act, 2001*, was heard at Windsor on February 11, 2022 by videoconference.

UPON READING the Affidavits contained within the Motion Record of the Plaintiff dated February 10, 2022, the Supplementary Motion Record of the Plaintiff dated February 11, 2022, and the Motion Record of The Corporation of the City of Windsor dated February 11, 2022,



the Affidavit of Jason Bellaire sworn February 11, 2022, the Affidavit of Jason Ward Reynar sworn February 11, 2022, the Affidavit of Adam Blake-Gallipeau sworn February 11, 2022, and the Affidavit of Dr. Clifford Rosen sworn February 11, 2022, and upon hearing oral arguments of counsel for the Automotive Parts Manufacturers' Association, The Corporation of the City of Windsor, the Attorney General of Ontario, The Democracy Fund, John Doe, and with Kristian Langenfield making oral arguments on behalf of himself, with no one attending for the Defendants or any other any person having an interest in this matter, although duly served in accordance with the Endorsement of this Court dated February 11, 2022.

1. **THIS COURT ORDERS** that the time for service, filing and confirmation of the Notice of Motion and the Motion Record is hereby abridged so that this Motion is properly returnable today.

2. **THIS COURT ORDERS** that the Plaintiff is authorized to bring this Motion and the underlying proposed proceeding on behalf of all members of the Automotive Parts Manufacturers' Association pursuant to Rule 10.01(1)(f) of the *Rules of Civil Procedure*.

3. **THIS COURT ORDERS** that an interim interlocutory injunction is granted, effective February 11, 2022, at 7:00 PM, pursuant to section 101 of the *Courts of Justice Act*, Rule 40.01 of the *Rules of Civil Procedure* and section 440 of the *Municipal Act, 2001*.

4. **THIS COURT ORDERS** that the Defendants and any persons having notice of this Order are hereby restrained and enjoined from impeding or blocking access to the Ambassador Bridge

and indirect or direct approaching roadways and access points for ten (10) days from the date of this Order.

5. **THIS COURT ORDERS** that any police officer with the Windsor Police Service, the Ontario Provincial Police, and any other police authority (the “Police”), shall have authorization to arrest and remove any person who has knowledge of this Order and who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order.

6. **THIS COURT ORDERS** that the Police or designated agents shall have authorization to remove any vehicles, personal property, equipment, structures, or other objects that impede or block access to the Ambassador Bridge and approaching roadways.

7. **THIS COURT ORDERS** that the Police shall retain discretion:

- a. as to the timing and manner of enforcement of this Order, and specifically retained discretion as to the timing and manner of arrest and removal of any person pursuant to this Order;
- b. to detain and release any person without arrest who the Police have reasonable and probable grounds to believe is contravening, or has contravened, any provision of this Order, upon that person agreeing to abide by this Order; and
- c. and to lay any charges or take any other lawful action.

8. **THIS COURT ORDERS** that any peace officer and any member of the Police who arrests or arrests and removes any person pursuant to this Order shall have authorization to release that person from arrest upon that person agreeing in writing to obey this Order

9. **THIS COURT ORDERS** that the Defendants and other persons remain at liberty to engage in a peaceful, lawful and safe protest, that does not impede or block access to the Ambassador Bridge and approaching roadways. For greater certainty, the terms of this Order and any applicable law must be complied with.

10. **THIS COURT ORDERS** that notice of this Order shall be given by the creation of a URL whereby this Order can be viewed and downloaded, with the Plaintiff, The Corporation of the City of Windsor, and the Attorney General of Ontario issuing press releases containing the URL linking to the Order and the date, time and location of the hearing date contemplated in paragraph 14 of this Order.

11. **THIS COURT ORDERS** that notice of this Order may be given in the following manners:

- a. by posting copies of this Order in or around the City of Windsor;
- b. reading the Order to any person, including but not limited to reading the Order over an amplification system;
- c. publishing this Order online; and
- d. any other manner deemed appropriate by the parties or the Police.

12. **THIS COURT ORDERS** that this Order shall not apply to persons acting in the course of or in the exercise of a statutory duty, power or authority.

13. **THIS COURT ORDERS** that costs of this Motion shall be in the cause, subject to the Orders granting the interveners standing.

14. **THIS COURT ORDERS** that the parties and any person having an interest in this matter shall appear before the Court in Windsor by videoconference on February 18, 2022 at 10:00 am for the hearing of a motion to continue this Order.

A handwritten signature in blue ink, appearing to read 'G. Morawetz', is positioned above a horizontal line.

CHIEF JUSTICE GEOFFREY B. MORAWETZ

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

v.

JIM BOAK et al

***ONTARIO
SUPERIOR COURT OF JUSTICE***

PROCEEDING COMMENCED AT WINDSOR

ORDER

MICHAEL A. WILLS
LSO # 397970
(T) 519-255-4323
(E) mwills@mctaguelaw.com

DARWIN E. HARASYM
LSO # 65529W
(T) 519-255-4364
(E) dharasym@mctaguelaw.com

McTAGUE LAW FIRM LLP
Barristers & Solicitors
455 Pelissier Street
Windsor, Ontario N9A 6Z9

LAWYERS FOR THE PLAINTIFF

Our File: 80695